IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3171 of 1990

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARILAL MANEKCHAND BAVISHI

Versus

DHORAJI NAGARPALIKA

Appearance:

1. Special Civil Application No. 3171 of 1990

MR SV RAJU for Petitioner No. 1

MR PREMAL R JOSHI for Respondent No. 1

CORAM : HON'BLE DR.JUSTICE J.N.BHATT

Date of decision: 23/07/2004

ORAL JUDGEMENT

It is really very unfortunate that an employee or the worker, who is entitled to the full amount of provident

fund on his superannuation, on 30.4.1989, was not paid in time, which, by the host of the judicial pronouncement, has been seriously criticized, as after the retirement, apart from the avowed policy, the retiree, has to be paid full amount due and payable to him in lieu of retiral benefits, including an amount of provident fund, wherein, he has equal share so as to enable him to charterout his December days of life and any delay, in such payment, can never be lightly countenanced. It is an admitted fact, in this petition, under Article 226 of the Constitution of India, that the provident fund amount due and payable to the petitioner employee of the respondent- authority, on the date of his retirement, was RS.55,056.60 paisa-. The said amount, which was required to be paid in 1989, came to be paid by four installments by the respondent authority, lastly on February 3, 1991.

The petitioner, in this petition has, therefore, sought the direction to the respondent authority for payment of interest for delayed payment of provident fund amount of RS.55,056.60 with interest at the rate of 18% per annum. In view of the settled proposition of law and the policy of the respondent, as well as, the Government, the payment of interest on the delayed payment of any dues after retirement, muchless, the amount of provident fund is an incumbency upon the respondent or the employer. The claim made by the petitioner for payment of interest at the rate of 18% is disputed by the respondent authority only in respect of quantum of interest. Since, there is no dispute about the fact that there is a delayed payment of provident fund due and payable to the petitioner by the respondent authority and since only the rate of interest payment on delayed amount and delayed period may be paid as it has been paid in the four installments. The ends of justice would be met, if the respondent authority is directed to pay delayed payment of provident fund amount for the period as it has been paid in four installments at the rate of 10% Per annum within a period of 8 weeks from today, failing which the rate of interest shall be 12% per annum. With these observations an directions, this petition is allowed. Accordingly, the petition is disposed of with costs, which quantified at Rs.2000/- . Rule is made absolute to the above extent only.

[J.N.BHATT, J]

SNS